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Dkt. 2271/71306

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Takuro SEKIYA

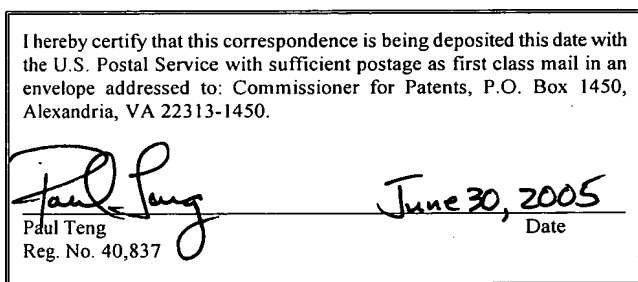
Serial No.: 10/693,505

Group Art Unit: 2879

Date Filed: October 23, 2003

Examiner: Vip Patel

For: ELECTRON-EMITTING DEVICE MANUFACTURING APPARATUS, SOLUTION INCLUDING METAL MICRO-PARTICLES, ELECTRON-EMITTING DEVICE, AND IMAGE DISPLAYING APPARATUS



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COMMUNICATION IN RESPONSE TO JUNE 9, 2005 OFFICE ACTION

Sir:

This Communication is submitted in response to the June 9, 2005 Office Action issued by the U.S. Patent and Trademark Office in connection with the above-identified patent application.

The June 9, 2005 Office Action indicates that examination of the application will be restricted by the Patent Office under 35 U.S.C. §121 to one of the following allegedly distinct inventions:

Group I. Claims 1-8, drawn to electron emitting device manufacturing apparatus;

Group II. Claims 9-19, drawn to electron emitting device.

Applicant hereby elects, with traverse, to prosecute Group II, claims 9-19.

Applicant, however, respectfully requests reconsideration of the restriction requirement: Under 35 U.S.C. §121, restriction may be required if two or more independent and distinct inventions are claimed in one application. Under M.P.E.P. §803, the application must be

examined on the merits, even though it includes claims to distinct inventions, if the search and examination of an application can be made without serious burden.

The inventions of Groups I and II are not independent. Under MPEP §802.01, "independent" means there is no disclosed relationship between the subjects disclosed. As acknowledged in the Office Action, Groups I and II are related as apparatus and product made. Therefore, Applicant respectfully submits that the Groups are not independent and restriction is improper.

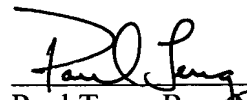
In addition, Applicant submits that it would not be a serious burden if restriction is not require, because a search for prior art for one Group will likely turn up relevant references for the other Group. Therefore, Applicant submits that search and examination of the Groups together would not be a serious burden.

Accordingly, in view of the preceding remarks, Applicant respectfully requests that the restriction requirement be withdrawn.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition. The Office is hereby authorized to charge any fees that may be required in connection with this response and to credit any overpayment to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Respectfully submitted,



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